



Section A-A

FIG I—SMALL PARTS CYLINDER

§ 1501.5 Enforcement procedure.

The Commission will enforce this regulation, unless it determines that

an emergency situation exists, only in accordance with Chapter 2, Guide 2.05—Letter of Advice/Notices of Noncompliance of the CPSC Enforcement Policy

Pt. 1502

and Procedural Guides, issued in January 1990 and available from the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207. Under the procedure described in this chapter, firms must be informed by letter that they or their products may be the subject of enforcement action and must be provided ten days within which to submit evidence and arguments that the products are not violative or are not covered by the regulation, prior to the initiation of enforcement action by the Commission or by its delegated staff member. The function of approving such enforcement actions is currently delegated by the Commission to the Assistant Executive Director for Compliance and Enforcement (copies of the existing delegation documents are also available from the CPSC's Office of the Secretary).

[56 FR 46986, Sept. 17, 1991]

PART 1502—PROCEDURES FOR FORMAL EVIDENTIARY PUBLIC HEARING

Subpart A—General Provisions

Sec.

- 1502.1 Scope.
- 1502.2 Computation of time periods.
- 1502.3 Confidential information.
- 1502.4 Office of the Secretary.

Subpart B—Initiation of Proceedings

- 1502.5 Initiation of a hearing involving the issuance, amendment, or revocation of a regulation.
- 1502.6 Filing objections and requests for a hearing on a regulation.
- 1502.7 Notice of filing of objections.
- 1502.8 Ruling on objections and requests for hearing.
- 1502.9 Modification or revocation of regulation or order.
- 1502.10 Denial of hearing in whole or in part.
- 1502.11 Judicial review after waiver of hearing on a regulation.
- 1502.12 Request for alternative form of hearing.
- 1502.13 Notice of hearing; stay of action.
- 1502.14 Effective date of a regulation when no objections are filed.

Subpart C—Appearance and Participation

- 1502.15 Appearance.
- 1502.16 Notice of participation.

16 CFR Ch. II (1–1–10 Edition)

- 1502.17 Advice on public participation in hearings.

Subpart D—Presiding Officer

- 1502.18 Presiding officer.
- 1502.19 Commencement of functions.
- 1502.20 Authority of presiding officer.
- 1502.21 Disqualification of presiding officer.
- 1502.22 Unavailability of presiding officer.

Subpart E—Hearing Procedures

- 1502.23 Filing and service of submissions.
- 1502.24 Petition to participate *in forma pauperis*.
- 1502.25 Disclosure of data and information to be relied on by the participants.
- 1502.26 Purpose; oral and written testimony; burden of proof.
- 1502.27 Participation of nonparties.
- 1502.28 Conduct at oral hearings or conferences.
- 1502.29 Time and place of prehearing conference.
- 1502.30 Prehearing conference procedure.
- 1502.31 Summary decisions.
- 1502.32 Receipt of evidence.
- 1502.33 Official notice.
- 1502.34 Briefs and arguments.
- 1502.35 Interlocutory appeal from ruling of presiding officer.
- 1502.36 Official transcript.
- 1502.37 Motions.

Subpart F—Administrative Record

- 1502.38 Administrative record of a hearing.
- 1502.39 Examination of record.

Subpart G—Initial and Final Decision

- 1502.40 Initial decision.
- 1502.41 Appeal from or review of initial decision.
- 1502.42 Decision by Commission on appeal or review of initial decision.
- 1502.43 Reconsideration and stay of Commission's action.

Subpart H—Judicial Review

- 1502.44 Review by the courts.
- 1502.45 Copies of petitions for judicial review.

AUTHORITY: 15 U.S.C. 1261(q)(1)(B), 1262(a), 1262(e), 1269(a); 15 U.S.C. 1474(a); 21 U.S.C. 371(e)–(g).

SOURCE: 56 FR 9278, Mar. 6, 1991, unless otherwise noted.

Subpart A—General Provisions

§ 1502.1 Scope.

The procedures in this part apply when—